

**Daniel Town Council Minutes**  
**Monday, February 1, 2016 at 6:00 PM**  
**Wasatch County Services Building, Room 126**  
**55 South 500 East, Heber City, UT**

Quorum present: Council members John Glodowski and Eric Bunker were present when Mayor Turner called the meeting to order at 6:05 PM. Council member Jon Blotter arrived at 7:05 PM. Council member Kasey Bateman was excused due to illness. Treasurer Sherri Price was present. Clerk Lynne Shindurling was present to record the minutes.

Members of the public in attendance were: Shelly Bunker, Stefanie Grady, Pam Skinner, Mike and Merry Duggin, Terry Shoemaker, Francis Harrison, Ann Horner, Blaik Baird, Shad Sorenson, Ryan Taylor, and Bridger Wilde.

**1) PUBLIC COMMENT CONCERNING ANY ISSUE NOT ON THE AGENDA**

Stefanie Grady reported on behalf of the Ranch Estates Homeowners' Association that they have concerns about construction trucks using Ranch Drive during the construction of the new elementary school; also, a gate on the east side of the school coming out onto Ranch Drive. Mayor Turner responded such details will be worked out in stages during negotiation with the Wasatch School District. Terry Shoemaker stated the gate is part of the architectural planning process. At this stage it is perceived to be a crash gate to be used in case of emergencies only. He stated it is the desire of the School Board to meet with the HOA and address the concerns they have before the construction begins.

**2) PRESENTATION ON THE WATERLINE AND FIBER CONDUIT ALONG RANCH DRIVE TO THE NEW ELEMENTARY SCHOOL ON WHEELER ROAD**

Ryan Taylor sketched on the white board the proposal of Epic Engineering to install an 8" waterline from 3000 South up the east side of Ranch Drive to the school, replacing a 6" line which currently exists partway up the road. There will also be two 1" conduits installed for fiber cable to the school at least 5' away from the waterline. Whether or not the waterline will be stubbed out to the lots on Ranch Drive at the time of this construction has yet to be decided by the Town of Daniel as this part of the construction would be their cost responsibility. It is the recommendation of Mr. Taylor that since the Town will ultimately be responsible for maintaining the waterline as part of the Daniel Town infrastructure, they would like to design and build the pipeline. A 3" water meter will be installed at the school. The School District has agreed to pay for the design and construction with Daniel Town offsetting the culinary water impact fee by that cost. If the construction cost comes in lower than the impact fee, the School District will pay the difference. It is anticipated, however, that the cost of construction will exceed the impact fee.

Stefanie Grady asked how long the waterline construction is anticipated to take. Mr. Taylor reported a minimum of two weeks, but could end up being a month figuring in time for cleanup.

Mayor Turner referred to a letter the School Board delivered to the Town on the 30<sup>th</sup> of January outlining the agreement. Since the Council had had a chance to review the letter and they had no further questions, he asked the Board if there had been any discussions with Heber City regarding sewer service to the school. Mr. Baird reported they are working with Heber City, as the County Health Department prefers a sewer connection as opposed to an on-site septic system. Daniel Town will have to agree to the concept.

Council member Bunker inquired if the proposal in the district's letter included the fire hydrants. Mr. Taylor anticipated three to five hydrants along the road which will be included in the proposed design. At this point the School District has asked for two separate bids, one for the waterline and one for the fiber conduit. Additional items can be added as alternates, such as the cans for each lot hook-up, to have in place during the bidding process.

Ryan Taylor presented a task order/contract to the Town asking \$7,500 for the design of the project through the bid process, having the bids available for both the Town and School District to review. This amount is to be paid by the School District. The School Board asks only that the project be competitively bid and the District approve the contract award.

***Council member Glodowski moved to approve the terms set out in the task order submitted by Epic Engineering, which was seconded by Council member Bunker. The motion passed with unanimous "aye" votes.***

Mr. Shoemaker stated after the board has met with the neighboring homeowners, they will contact the Mayor regarding future meetings to move the project forward.

### **3) BUSINESS LICENSE APPLICATIONS**

Council member Bunker presented five businesses whose licenses are to be renewed. These are Classic Beauty Supply, Jill's Hairstyling, Wes' Auto Repair, Coleman Trucking, and Computer Nerds. As the owner of Computer Nerds is the Town's IT consultant, Chris Anderson, Mr. Bunker asked that the \$60.00 renewal fee be applied toward the upcoming invoice for work performed for the Town by Mr. Anderson. The Council was in agreement regarding this and approved all five renewals.

Mayor Turner inquired of Council member Bunker if the Council discussed at the January meeting, as he was not present, business license renewals versus conditional uses being placed on home-based businesses. Mr. Bunker stated the subject of adding conditional uses to certain types of businesses was discussed, but clarified that there is currently a proposed bill before the State legislature regarding the right of municipalities to require a

business license. Therefore, he recommends waiting to see what happens at the State level before the Town expends further time on the issue.

#### **4) DISCUSSION AND RESOLUTION TO APPOINT TOM RAWLINGS TO THE PLANNING COMMISSION IN PLACE OF BLAINE SMITH**

*Council member Glodowski moved to appoint Tom Rawlings to the Planning Commission in place of Blaine Smith, stating he will be a good addition. The motion was seconded by Council member Bunker and passed unanimously.*

Mayor Turner then read into the record Daniel Resolution DR 2016-02-01.

*Once again Council member Glodowski moved to accept the resolution as written, seconded by Council member Bunker. The motion passed unanimously.*

#### **5) DANIEL MUNICIPAL WATER ITEMS AS NEEDED**

Mayor Turner stated in talking with Kim Norris and Gary Walton, neither of them would be able to attend this evening's meeting. Because Mike Duggin, the water operator, was present, he reported he had spent the necessary time and effort to bring the DMW water system back into compliance with the Division of Drinking Water, awaiting report of some testing to complete the Consumer Confidence Report for 2015. Merry Duggin stated they did get caught up on the necessary paperwork and were able to remove a number of points which had been applied due to lack of information.

Council member Glodowski stated his concern that Kim Norris and Gary Walton, perhaps others, may not be fairly compensated for the work they are performing. He would like the full Council to address this in the future. Mayor Turner stated this subject is currently being addressed and that changes are likely to occur in the near future.

#### **6) STORM HAVEN WATER ISSUES AS NECESSARY**

As the water personnel were not in attendance, Mayor Turner simply stated he is glad that no problems have arisen during the winter months regarding the Storm Haven water system and is grateful the Town was able to perform the necessary work this past fall to try to keep things running smoothly.

#### **7) PLANNING DEPARTMENT REPORT, CODE VIOLATIONS AND ENFORCEMENT**

Mayor Turner began this discussion by referencing a letter written by a Daniel resident complimenting the professional manner in which her complaint had been handled and thanking the Planning Commission for responding to her concerns. Director Bunker read Mary Wynne's letter into the record.

Mr. Bunker reported Kim Norris has spoken with Chris Anderson about putting additional information on the outgoing water bills in response to an inquiry by Norm Sperry.

Mayor Turner then inquired about the addition to a building within the trailer park on Daniels Road at 3000 South. Council member Bunker reported the tenant there has not applied for a building permit or responded to the issue in any other manner. He asked what direction the Council would like him to take now, thinking the issue may well end up in court in the future, which would mean legal costs being incurred by the Town. When the stop work order was issued, work was stopped, but no further steps have been taken. From all outward signs, it appears the wood-burning stove within the addition is being used. The addition has not been inspected by Epic Engineering.

Council member Bunker asked if anyone was aware of the owner of the trailer park. Merry Duggin replied Brian Orgill, to her knowledge, used to own it but does not know if he is still the owner. In the past he lived in Heber City. Mike Duggin added at one point he also had an address in Midway. Mayor Turner stated he would like to have Council member Bunker move forward in resolving the matter.

***Council member Glodowski moved to instruct Mr. Bunker to send a letter to the owner of the trailer park, which was seconded by Council member Bunker. The motion passed with unanimous “aye” votes from the Council.*** Council member Bunker stated he would write a letter and send it to Mayor Turner for his approval and await a response before getting in touch with legal counsel.

Council member Bunker mentioned the spreadsheet from Epic Engineering regarding permits on projects within Daniel shows a negative number in regard to permits for solar panels. Ryan Taylor stated this is due to only charging \$100 for a permit with at least two inspections and a lot of paperwork being involved. He recommends raising the fee to \$250 for a solar permit. Council member Bunker stated the inspectors have found adverse issues when connecting these homes to the local power company and expressed surprise that Heber Light & Power is not looking into this more thoroughly. Mike Duggin stated their inspection, at least for him, consisted of the power company charging \$1,500 to drive up to the residence, without exiting their vehicle, and saying “yeah, everything is looking good” and assuming all is well.

Council member Bunker stated he is in agreement with raising this permit fee as recommended by Ryan Taylor. All permit charges will be reviewed in order to update the fees in one resolution next month.

Also, as part of the Planning Department report, Council member Bunker asked if Daniel Town would sponsor him to attend the annual Rural Water Association training in St. George. Mayor Turner replied in the affirmative.

## **8) 2016 RISK MANAGEMENT AND HAZARD MITIGATION PLAN REVIEW**

The report reproduced for the Council’s consideration and discussion is just the Daniel portion of a 300+ page document. The Mountainland Hazard Plan must be updated every five years. Facilities included in the plan are eligible for FEMA funds in case of a disaster.

Council member Bunker would like to have added the Daniel Irrigation ponds; i.e. one located at the Benson farm. There are three ponds and Ryan Taylor would like to see all three added, as well as the pipeline Daniel Irrigation is contemplating to replace the open canal through the Storm Haven area. Council member Bunker stated at the next meeting he will take a list of items to be added to update the hazard plan for Daniel Town.

Council member Bunker inquired of Ryan Taylor on the status of the Daniel Irrigation easement which is under review. Mr. Taylor stated the irrigation company's attorney is working through all the easements requiring signature through the area and, as yet, not all have signed the document but some have after having their concerns addressed.

Mayor Turner asked about the process for the plan update. Council member Bunker stated once all items have been added to the list for each location, both the County official and Daniel signs the agreement which will be in effect for the next five years. He asks the Council to review the document and make sure it is complete, with the additions added this evening. He stated the flood plain could change with the additions. The next meeting will be held in March.

#### **9) CONTINUED DISCUSSION ON US-189 UDOT PRESERVATION CORRIDOR AGREEMENT**

Council member Bunker stated that Heber City has passed on the agreement but Wasatch County has not. MAG would like to have it signed by all jurisdictions by the end of February. Mayor Turner is concerned that Charleston Town has not been pinned down on the intersection at 3000 South and US-189. If Daniel was to sign at this point and then changes occurred in order to get signature from Charleston, all parties would have to agree to any further changes, potentially leaving Daniel with a less than desirable agreement. Reclassification will also come into play as far as Heber City is concerned. The Mayor does not want to sign the agreement at this point.

***Council member Bunker moved to continue the discussion until Charleston signs, which was seconded by Council member Glodowski. The motion passed unanimously.***

#### **10) DISCUSSION ON US-40 ACCESS AGREEMENT**

Council member Bunker mentioned that the US-40 agreement is still in rough draft form as the Town of Independence was not able to attend the last meeting and sent a letter stating they do not agree with the proposed draft. The next meeting is scheduled for February 16<sup>th</sup>. Mayor Turner expressed his confusion where the written text does not match the map in the document. Council member Bunker pointed out the proposed updates in the document do not pertain to Daniel but only Heber City, so they will finalize the agreement without our input. They're trying to determine where future semaphores will be located.

(Council member Blotter joined the meeting during this discussion.)

Discussion will continue on this access agreement in future meetings.

## **11) CONTINUED DISCUSSION ON FLAG LOT RECOMMENDATION FROM PLANNING COMMISSION**

Mayor Turner stated this item was continued from previous meetings and wonders if the Council is prepared to take any action in regard to flag lots within Daniel. Council member Blotter asked if the Planning Commission had sent back any further feedback for the Council's consideration. Director Bunker stated they gave the Council their recommendation setting out their concerns. He stated the passage of the new unpaved road standard addressed some of these issues, but there are still properties which don't qualify because they lack 100' of frontage. It is up to the Council if they want to adopt a flag lot standard as well.

Council member Blotter stated without receipt of any further information, he would like to see the Council not allow flag lots within the Town. Council member Glodowski would like to wait until Council member Bateman is present for consideration by the full Council. Mr. Blotter stands strong on his position to not allow flag lots at all.

At this point Council member Bunker drew an illustration on the white board of an application for a lot line adjustment on the Gerald Smith property to make a buildable lot. The adjustment created 100' of frontage on 3000 South. This application will be discussed at the February Planning Commission meeting.

***Council member Bunker moved to continue the flag lot discussion to the March meeting. Council member Glodowski seconded the motion. The vote was as follows: "Aye" votes from Mayor Turner, Council members Glodowski and Bunker, with a "nay" vote from Council member Blotter. The motion passed.***

## **12) APPROVAL OF COUNCIL MEETING MINUTES OF JANUARY 4, 2016**

***Council member Bunker moved to approve the minutes of January 4, 2016 as written. Mayor Turner was not present at the meeting in January and will not vote. Council member Glodowski seconded the motion. It passed with "aye" votes from Council members Bunker, Glodowski, and Blotter.***

## **13) RECORDER'S OFFICE: WARRANT APPROVAL, ANNOUNCEMENTS, ETC.**

The clerk reviewed the Town warrants with the Council. On the topic of training attended by Commissioners Skinner and Binkerd, the Mayor asked if it was helpful. Pam Skinner stated it was worthwhile, making those present aware of informative websites for reference, as well as a copy of the latest ULCT handbook. Extra handbooks were obtained for members of the Planning Commission.

The clerk also produced copies of Wasatch County's invoice for snow removal during the month of January. She stated the credit card which was approved by the Council to go to Council member Bunker will be available this week. Council member Bunker expressed

surprise that the Rural Water Association invoice for dues was sent out when the annual conference to establish the rates would not be held until later in February.

Council member Blotter expressed his concern that perhaps the water personnel for the Town were not being compensated fairly. He was told the subject had already been brought up and it would be on the March agenda for discussion.

The clerk provided the Council with a spreadsheet showing all invoice amounts billed and paid on the Storm Haven meter upgrade and pump house projects, with \$2,309 still remaining to be paid by CDBG.

An Excel spreadsheet showing the status of permits outstanding for 2014 and 2015 produced by Epic Engineering was also produced for the Council's review. Ryan Taylor stated inspections remain to be made on the 2015 projects before close-out of the year.

***Council member Blotter moved to accept the warrants, seconded by Council member Glodowski. The motion passed unanimously with all "aye" votes.***

#### **14) ADJOURN**

***Council member Glodowski moved to adjourn the meeting. The motion was seconded by Council member Blotter, which passed unanimously. Mayor Turner adjourned the meeting at 7:30 PM.***

Lynne Shindurling  
Clerk/Recorder